

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

CONNECTICUT CARPENTRY
CORPORATION

Employer

and

NEW ENGLAND REGIONAL COUNCIL OF
CARPENTERS

Petitioner

Case No. 34-RC-1919

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.¹

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.

¹ The hearing officer correctly denied the Employer's request at the hearing to litigate the adequacy of the Petitioner's showing of interest. It is well established that the showing of interest is an administrative matter and is not subject to litigation. *The Pike Company*, 314 NLRB 691 (1994), citing *O.D. Jennings and Co.*, 68 NLRB 516, 517 (1946).

3. The labor organization involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.²

5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All carpenters employed by the Employer out of its 1850 Silas Deane Highway, Rocky Hill, Connecticut facility; but excluding all other employees, office clerical employees, and guards, professional employees and supervisors as defined in the Act.

DIRECTION OF ELECTION³

An election by secret ballot shall be conducted among the employees in the unit found appropriate herein at the time and place set forth in the notices of election to be issued subsequently.

Eligible to vote: those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were in the military services of the United States, ill, on vacation, or temporarily laid off; and employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period, and their replacements.

² I find no merit to the Employer's contention that the petition lacks the requisite showing of interest because it is based upon the number of unit employees employed at the time the petition was filed, rather than the number of employees eligible to vote under the special construction industry eligibility formula set forth in *Steiny & Co.*, 308 NLRB 1323 (1992). It is well established that a showing of interest is a matter for administrative determination and is not subject to direct or collateral attack. *Rappahannock Sportswear Co., Inc.*, 163 NLRB 703 (1967). Moreover, contrary to the Employer's contention, it is the Board's current policy that "... the sufficiency of the showing of interest supporting petitions filed for units of construction industry employees be determined based on the number of employees in the unit at the time the petition is filed." (footnote omitted). *The Pike Company*, supra, at 692.

³ In accordance with established law and policy, I find that all employees in the unit who have been employed for a total of 30 days or more within the period of 12 months, or who have had some employment in that period and who have been employed 45 days or more within the period of 24 months, immediately preceding the eligibility date for the election herein directed shall be eligible to vote. *Steiny & Co.*, supra.

Ineligible to vote: employees who have quit or been discharged for cause since the designated payroll period; employees engaged in a strike who have been discharged for cause since the strike's commencement and who have not been rehired or reinstated before the election date; and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

The eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by New England Regional Council of Carpenters.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before October 17, 2001. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by October 24, 2001.

Dated at Hartford, Connecticut this 10th day of October, 2001.

/s/ Jonathan B. Kreisberg

Jonathan B. Kreisberg, Acting Regional Director
National Labor Relations Board
Region 34

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